

STATE OF TEXAS
COUNTY OF TARRANT
CITY OF GRAPEVINE

The City Council of the City of Grapevine, Texas met in Special Session (Executive Session) on this the 15th day of July, 2003 at 6:15 p.m. in the City Council Conference Room, Second Floor, 200 South Main Street with the following members present to-wit:

William D. Tate	Mayor
Ted R. Ware	Mayor Pro Tem
Sharron Spencer	Council Member
C. Shane Wilbanks	Council Member
Clydene Johnson	Council Member
Darlene Freed	Council Member

constituting a quorum, with Council Member Roy Stewart absent, with the following members of the City Staff:

Roger Nelson	City Manager
Bruno Rumbelow	Assistant City Manager
John F. Boyle, Jr.	City Attorney
Linda Huff	City Secretary

CALL TO ORDER

Mayor Tate called the meeting to order at 6:19 p.m.

ITEM 1. EXECUTIVE SESSION

Mayor Tate announced the City Council would conduct a closed session regarding:

(A) conference with City Manager and Staff to discuss and deliberate commercial and financial information received from business prospects the City seeks to have locate and expand in the City; with which businesses the City is conducting economic development negotiations

under Section 551.087, Texas Government Code.

Upon reconvening in open session in the Council Chambers, Mayor Tate asked if there was any action necessary relative to the closed session. City Manager Roger Nelson stated there was no action necessary relative to the closed session under Section 551.087, Texas Government Code.

NOTE: City Council continued with the Regular City Council meeting in open session in the Council Chambers.

ADJOURNMENT

Council Member Wilbanks, seconded by Council Member Spencer, offered a motion to adjourn the meeting at 9:12 p.m. The motion prevailed by the following vote:

Ayes: Tate, Ware, Spencer, Wilbanks, Johnson & Freed
Nays: None
Absent: Stewart

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS on this the 19th day of August, 2003.

APPROVED:



William D. Tate
Mayor

ATTEST:



Jodi C. Brown
Assistant City Secretary

STATE OF TEXAS
COUNTY OF TARRANT
CITY OF GRAPEVINE

The City Council and the Planning & Zoning Commission of the City of Grapevine, Texas met in Regular Joint Session on this the 15th day of July, 2003 at 7:30 p.m. in the City Council Chambers, Second Floor, 200 South Main Street, with the following members of the City Council present to-wit:

William D. Tate	Mayor
Ted R. Ware	Mayor Pro Tem
Sharron Spencer	Council Member
C. Shane Wilbanks	Council Member
Clydene Johnson	Council Member
Darlene Freed	Council Member

constituting a quorum, with Council Member Roy Stewart absent, with the following members of the Planning & Zoning Commission:

Larry Oliver	Chairman
Herbert Fry	Vice Chairman
Chris Coy	Member
Danette Murray	Member
Betty Nicholson	Member
Rob Undersander	Member
Becky St. John	Alternate
Paul Jennings	Alternate

constituting a quorum, with Commissioner Kevin Busbee absent, with the following members of the City Staff:

Roger Nelson	City Manager
Bruno Rumbelow	Assistant City Manager
John F. Boyle, Jr.	City Attorney
Linda Huff	City Secretary
Melisa Leal	Assistant to the City Manager
Jennifer Hibbs	Assistant to the City Manager

CALL TO ORDER

Mayor Tate called the meeting to order at 7:35 p.m.

INVOCATION

Commissioner Oliver delivered the Invocation.

ITEM 1. PUBLIC HEARING, ZONING APPLICATION Z03-05, CONDITIONAL USE APPLICATION CU03-24, FINAL PLAT LOTS 1R-1, 1R-2 AND 2R, BLOCK 1, S.H. 26/POOL ROAD ADDITION, REPLAT OF LOT 2, BLOCK 1, CVS ADDITION OF GRAPEVINE AND LOT 4 AND TRACT A, BLOCK 1, S.H. 26/POOL ROAD ADDITION

Mayor Tate declared the public hearing open.

Planner Ron Stombaugh reported 9.5 Pool Road Partners L.P. had filed Zoning Application Z03-05, Conditional Use Application CU03-24 and an application for the final plat of Lots 1R-1, 1R-2 and 2R, Block 1, S.H. 26/Pool Road Addition being a replat of Lot 2, Block 1, CVS Addition of Grapevine and Lot 4 and Tract A, Block 1, S.H. 26/Pool Road Addition. The zoning application requests rezoning of approximately 5.823 acres from "CN" Neighborhood Commercial District Regulations and 1.529 acres from "PO" Professional Office District Regulations to "CC" Community Commercial District Regulations with deed restrictions limiting uses to those permitted in the "PO" Professional Office District Regulations and "CN" Neighborhood Commercial District Regulations. The conditional use application requests a permit for a 38,000 square foot, 115-bed personal care facility and office/retail buildings. The subject property is located at 2300 Pool Road.

Mr. Joel Maten and Mr. Garth Brando requested favorable consideration of the applications noting that future development of 3.4 acres adjacent to the residential area will be restricted to two stories in height.

There were no questions from the City Council or the Planning & Zoning Commission.

Mayor Tate invited guests present to comment regarding the application.

The following spoke in favor of the proposed development as presented with the deed restrictions proposed by the applicant:

1. Mr. Steve Early, 3046 Creekbend Circle
2. Mr. Tony McCalla, 3038 Old Mill Run
3. Mr. Larry Watkins, 3066 Old Mill Run

City Secretary Huff reported there were two letters of opposition copied to the City Council and Planning & Zoning Commission.

Commissioner Nicholson, seconded by Commissioner Undersander, offered a motion to close the public hearing. The motion prevailed by the following vote:

Ayes: Oliver, Coy, Fry, Murray, Nicholson, Undersander & Jennings
Nays: None
Absent: Busbee

Council Member Johnson, seconded by Mayor Pro Tem Ware, offered a motion to close the public hearing. The motion prevailed by the following vote:

Ayes: Tate, Ware, Spencer, Wilbanks, Johnson & Freed
Nays: None
Absent: Stewart

ITEM 2. PUBLIC HEARING, CONDITIONAL USE APPLICATION CU03-19
UNDERWATER WORLD AQUARIUM

Mayor Tate declared the public hearing open.

Planner Stombaugh reported Conditional Use Application CU03-19 had been filed by Underwater World Aquarium requesting a conditional use permit to amend the site plan approved by Ordinance No. 2003-33 for the development of a tunnel-based aquarium and restaurant with the possession, storage, retail sale and on-premise consumption of alcoholic beverages (beer, wine and mixed beverages). The subject property is located at 2200 West Grapevine Mills Circle and is zoned "CC" Community Commercial District Regulations.

Mr. Erik Pederson requested favorable consideration of the application presenting an overview of the proposed development.

There were no questions from the City Council or the Planning & Zoning Commission.

Mayor Tate invited guests present to comment regarding the application.

Mr. Charles Kinler, 3016 Shady Knoll Lane, addressed the Council in support of the proposed aquarium.

Commissioner Murray, seconded by Commissioner Fry, offered a motion to close the public hearing. The motion prevailed by the following vote:

Ayes: Oliver, Coy, Fry, Murray, Nicholson, Undersander & Jennings
Nays: None
Absent: Busbee

Council Member Wilbanks, seconded by Council Member Freed, offered a motion to close the public hearing. The motion prevailed by the following vote:

Ayes: Tate, Ware, Spencer, Wilbanks, Johnson & Freed
Nays: None
Absent: Stewart

ITEM 3. PUBLIC HEARING, CONDITIONAL USE APPLICATION CU03-21
WALGREEN'S DRUG

Mayor Tate declared the public hearing open.

Planner Stombaugh reported Conditional Use Application CU03-21 had been filed by Walgreen's Drug Store requesting a conditional use permit to allow a 14,000 square foot drug store with drive through service and a 100 square foot monument sign with 37% changeable copy on property located at 912 West Northwest Highway. The subject property is zoned "HC" Highway Commercial District.

Mr. Todd Blackwell and Mr. Robert Pierce requested favorable consideration of the application.

Brief discussion ensued relative to the request for the 37% changeable copy on the monument sign.

Mayor Tate invited guests present to comment regarding the application. No one wished to speak and there was no correspondence to report.

Commissioner Murray, seconded by Commissioner Coy, offered a motion to close the public hearing. The motion prevailed by the following vote:

Ayes: Oliver, Coy, Fry, Murray, Nicholson, Undersander & Jennings

Nays: None

Absent: Busbee

Mayor Pro Tem Ware, seconded by Council Member Spencer, offered a motion to close the public hearing. The motion prevailed by the following vote:

Ayes: Tate, Ware, Spencer, Wilbanks, Johnson & Freed

Nays: None

Absent: Stewart

ITEM 4. PUBLIC HEARING, CONDITIONAL USE APPLICATION CU03-22 TEXAS TOYOTA

Mayor Tate declared the public hearing open.

Planner Stombaugh reported Conditional Use Application CU03-22 had been filed by Texas Toyota requesting a conditional use permit to amend the site plan approved by Ordinance No. 98-152 for the addition of two modular buildings for temporary sales offices. The subject property is located at 801 East State Highway 114 and is zoned "PCD" Planned Commerce Development District.

Mr. Phil Morley and Mr. Victor Vandergriff requested favorable consideration of the application noting the modular buildings would be removed after 18 months.

There were no questions from the City Council or the Planning & Zoning Commission.

Mayor Tate invited guests present to comment regarding the application. No one wished to speak and there was no correspondence to report.

Commissioner Jennings, seconded by Commissioner Murray, offered a motion to close the public hearing. The motion prevailed by the following vote:

Ayes: Oliver, Coy, Fry, Murray, Nicholson, Undersander & Jennings
Nays: None
Absent: Busbee

Council Member Freed, seconded by Council Member Wilbanks, offered a motion to close the public hearing. The motion prevailed by the following vote:

Ayes: Tate, Ware, Spencer, Wilbanks, Johnson & Freed
Nays: None
Absent: Stewart

ITEM 5. PUBLIC HEARING, AMEND APPENDIX D, COMPREHENSIVE ZONING
ORDINANCE NO.82-73, AS AMENDED, SECTION 40 "MXU" MIXED USE
DISTRICT

Mayor Tate declared the public hearing open.

Planner Stombaugh reviewed the proposed amendments to the Grapevine Code of Ordinances, Appendix D, Comprehensive Zoning Ordinance No. 82-73, as amended, by the addition of a new Section 40 "MXU" Mixed Use District that would encourage the mixing of residential, retail and office uses within a small scale urban framework.

There were no questions from the City Council or the Planning & Zoning Commission.

Mayor Tate invited guests present to comment regarding the application. No one wished to speak and there was no correspondence to report.

Commissioner Coy, seconded by Commissioner Murray, offered a motion to close the public hearing. The motion prevailed by the following vote:

Ayes: Oliver, Coy, Fry, Murray, Nicholson, Undersander & Jennings
Nays: None
Absent: Busbee

Council Member Wilbanks, seconded by Council Member Freed, offered a motion to close the public hearing. The motion prevailed by the following vote:

Ayes: Tate, Ware, Spencer, Wilbanks, Johnson & Freed

Nays: None
Absent: Stewart

RECESS AND RECONVENE

Mayor Tate announced the Planning & Zoning Commission would recess to the Planning & Zoning Conference Room to consider published business.

The City Council remained in session in the Council Chambers to consider published business.

ITEM 6. REJECT BIDS RECEIVED FOR BID 157-2003 AUTOMOTIVE BODY REPAIR ANNUAL CONTRACT

City Manager Roger Nelson recommended rejection of all bids received for Bid 157-2003 automotive Body Repair Annual Contract and that the item be re-bid. He also recommended that the re-bid specifications be based on body, paint, mechanical and material labor rates and that the specifications specifically request a cost plus basis for the parts discount.

Council Member Wilbanks, seconded by Council Member Johnson, offered a motion to reject the bids as recommended. The motion prevailed by the following vote:

Ayes: Tate, Ware, Spencer, Wilbanks, Johnson & Freed
Nays: None
Absent: Stewart

ITEM 7. PUBLIC HEARING, MOVE-IN BUILDING APPLICATION MIB03-01 TEXAS TOYOTA

This item was discussed after Item 23.

Mayor Tate declared the public hearing open.

Development Services Director H. T. Hardy advised Move-In Building Application MIB03-01 had been filed by Texas Toyota requesting a Move-In Building Application for property located at 801 East State Highway 114. The request is for two temporary modular buildings that will be used as temporary sales offices for no longer than 18 months.

Mayor Tate invited those guests present to comment regarding the application. No one wished to speak. There was no correspondence to report.

Council Member Wilbanks, seconded by Council Member Freed, offered a motion to close the public hearing. The motion prevailed by the following vote:

Ayes: Tate, Ware, Spencer, Wilbanks, Johnson & Freed

Nays: None
Absent: Stewart

Mr. Hardy requested approval of a resolution authorizing the move-in building application on property located at 801 E. State Highway 114 for a period not to exceed 18 months.

Council Member Spencer, seconded by Mayor Pro Tem Ware, offered a motion to approve the resolution as recommended. The motion prevailed by the following vote:

Ayes: Tate, Ware, Spencer, Wilbanks, Johnson & Freed
Nays: None
Absent: Stewart

RESOLUTION NO. 2003-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS PROVIDING FOR THE ISSUANCE OF A PERMIT AUTHORIZING THE RELOCATION OF A BUILDING; PROVIDING FOR A NON-TRANSFERABLE PERMIT; PROVIDING A SITE PLAN AND PROVIDING AN EFFECTIVE DATE

ITEM 8. ORDINANCE, PRIVATE TELECOMMUNICATIONS SYSTEM, GAYLORD OPRYLAND TEXAS HOTEL

This item was discussed after Item 6.

Assistant Director of Public Works/Engineering Stan Laster requested approval of an ordinance granting Gaylord Opryland Texas Hotel authority to install and operate a private telecommunications system in Gaylord Trail, Ruth Wall road and other public easements on the hotel and convention center site. The network will provide the hotel site, the entrance properties at State Highway 26 and Gaylord Trail and the employee parking and delivery staging area on Ruth Wall Road with a private communications and security system.

Council Member Spencer, seconded by Council Member Freed, offered a motion to approve the municipal consent ordinance for Opryland Texas Hotel as recommended. The motion prevailed by the following vote:

Ayes: Tate, Ware, Spencer, Wilbanks, Johnson & Freed
Nays: None
Absent: Stewart

ORDINANCE NO. 2003-43

AN ORDINANCE OF THE CITY OF GRAPEVINE, TEXAS, GRANTING A REVOCABLE LICENSE TO OPRYLAND HOTEL – TEXAS LIMITED PARTNERSHIP TO OCCUPY,

MAINTAIN AND UTILIZE CERTAIN PUBLIC RIGHTS-OF-WAY WITHIN THE LIMITS OF THE CITY OF GRAPEVINE FOR THE PURPOSE OF THE INSTALLATION AND MAINTENANCE OF PRIVATE TELECOMMUNICATIONS SYSTEM; PROVIDING FOR THE TERMS AND CONDITIONS OF THIS LICENSE; PROVIDING A SAVINGS CLAUSE, DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

CONSENT AGENDA

The next order of business for the City Council was to consider the consent agenda items, which were deemed to need little or no discussion and were acted upon as one business item. Mayor Tate asked if there was any member of the audience or the City Council who wished to remove an item from the consent agenda for full discussion. Item 9 Ordinance Establish Public Arts Program was removed by Mr. Bruce Rider.

ITEM 9. ORDINANCE, ESTABLISH PUBLIC ARTS PROGRAM

This item was discussed after Item 14.

Mr. Bruce Rider, 325 West Worth Street, requested an explanation of the proposed program.

City Manager Roger Nelson briefly reviewed the Public Arts Program noting that the City Manager will create an Internal Review Committee consisting of staff from the City. This committee will first develop an inventory of publicly accessible spaces for the placement of public art and present this to the City Council for consideration. The Committee will also implement the public art program, review requested public art projects and recommend art projects to the City Council.

The City Council shall have the authority to appoint members of a Special Project Committee to work with the Internal Review Committee to provide input and advice to the City Council concerning the selection of art and artists when deemed appropriate.

Recommended funding sources for the public art program include revenue from ground/tower lease agreements with telecommunications providers dated after the adoption of the ordinance, proceeds from festivals and events as available, grants from art agencies and foundations, contributions from the private and public sectors and proceeds from the sale of City commissioned artworks. Additional public art in the City as a result of the Public Arts Program will not only beautify the appearance of the City but will commemorate the City's history as well.

Motion by Council Member Spencer, seconded by Council Member Freed, to approve the ordinance as recommended prevailed by the following vote:

Ayes: Tate, Ware, Spencer, Wilbanks, Johnson & Freed
Nays: None
Absent: Stewart

ORDINANCE NO. 2003-44

AN ORDINANCE OF THE CITY OF GRAPEVINE
ESTABLISHING A PUBLIC ARTS PROGRAM FOR THE
COMMISSIONING OF ART IN PUBLIC PLACES AND
ARTISTS' SERVICES IN THE CONSTRUCTION OF PUBLIC
ART; ESTABLISHING FUNDING METHODS; ESTABLISHING
METHOD OF ADMINISTERING PUBLIC ARTS; AND
PROVIDING FOR GENERAL GUIDELINES FOR THE
ADMINISTRATION OF THE ART IN PUBLIC PLACES
PROGRAM; PROVIDING A SEVERABILITY CLAUSE;
DECLARING AN EMERGENCY AND PROVIDING AN
EFFECTIVE DATE

Item 10. Award Bid 166-2003 Animal Control Compound Driveway Relocation

Public Works Director recommended award of Bid 166-2003 Animal Control Compound Driveway Relocation to Pavement Services in the amount of \$19,219.16.

Motion by Council Member Johnson, seconded by Mayor Pro Tem Ware, to approve as recommended prevailed by the following vote:

Ayes: Tate, Ware, Spencer, Wilbanks, Johnson & Freed
Nays: None
Absent: Stewart

Item 11. Renew Bid 131-2002 Asphalt Milling Services Annual Contract

Public Works Director recommended renewal of Bid 131-2002 Asphalt Milling Services Annual Contract to Dustrol, Inc.

Motion by Council Member Johnson, seconded by Mayor Pro Tem Ware, to approve as recommended prevailed by the following vote:

Ayes: Tate, Ware, Spencer, Wilbanks, Johnson & Freed
Nays: None
Absent: Stewart

Item 12. Renew Bid 130-2002 Paving Fabric Annual Contract

Public Works Director recommended renewal of Bid 130-2002 Paving Fabric Annual Contract to Lone Star Products.

Motion by Council Member Johnson, seconded by Mayor Pro Tem Ware, to approve as recommended prevailed by the following vote:

Ayes: Tate, Ware, Spencer, Wilbanks, Johnson & Freed
Nays: None
Absent: Stewart

Item 13. Award Engineering Service Contract, Barton and Mustang Water Towers

Public Works Director recommended award of an engineering service contract to Deltatek Engineering for the repainting and structural maintenance of the Barton and Mustang water towers in the amount of \$73,467.00

Motion by Council Member Johnson, seconded by Mayor Pro Tem Ware, to approve as recommended prevailed by the following vote:

Ayes: Tate, Ware, Spencer, Wilbanks, Johnson & Freed
Nays: None
Absent: Stewart

Item 14. Consideration of Minutes

City Secretary recommended approval of the minutes of the July 1, 2003 City Council meetings as published.

Motion by Council Member Johnson, seconded by Mayor Pro Tem Ware, to approve as recommended prevailed by the following vote:

Ayes: Tate, Ware, Spencer, Wilbanks, Johnson & Freed
Nays: None
Absent: Stewart

ITEM 15. PLANNING & ZONING COMMISSION RECOMMENDATION
ZONING APPLICATION Z03-05 9.5 POOL ROAD PARTNERS L.P.

Chairman Oliver reported the Planning & Zoning Commission voted 5-0-2 for approval of Zoning Application Z03-05 filed by 9.5 Pool Road Partners L.P. granting rezoning of approximately 5.823 acres from "CN" Neighborhood Commercial District Regulations and 1.529 acres from "PO" Professional Office District Regulations to "CC" Community Commercial District Regulations with deed restrictions limiting uses to those permitted in the "PO" Professional Office District Regulations and "CN" Neighborhood Commercial District Regulations and the two-story limitation as submitted by the applicant. The subject property is located at 2300 Pool Road.

Council Member Spencer, seconded by Council Member Freed, offered a motion to accept the Commission's recommendation and approve the ordinance granting the rezoning with

the deed restrictions as presented by the applicant. The motion prevailed by the following vote:

Ayes: Tate, Ware, Spencer, Wilbanks, Johnson & Freed
Nays: None
Absent: Stewart

ORDINANCE NO. 2003-45

AN ORDINANCE AMENDING ORDINANCE NO. 82-73, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF GRAPEVINE, TEXAS, SAME BEING ALSO KNOWN AS APPENDIX "D" OF THE CITY CODE OF GRAPEVINE, TEXAS, GRANTING ZONING CHANGE Z03-05 ON A TRACT OF LAND OUT OF THE J.N. GIBSON SURVEY, ABSTRACT NO. 591, DESCRIBED AS BEING A TRACT OF LAND LYING AND BEING SITUATED IN THE CITY OF GRAPEVINE, TARRANT COUNTY, TEXAS MORE FULLY AND COMPLETELY DESCRIBED IN THE BODY OF THIS ORDINANCE; ORDERING A CHANGE IN THE USE OF SAID PROPERTY FROM "PO" PROFESSIONAL OFFICE DISTRICT REGULATIONS AND "CN" NEIGHBORHOOD COMMERCIAL DISTRICT TO "CC" COMMUNITY COMMERCIAL DISTRICT REGULATIONS; CORRECTING THE OFFICIAL ZONING MAP; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; PROVIDING A CLAUSE RELATING TO SEVERABILITY; DETERMINING THAT THE PUBLIC INTERESTS, MORALS AND GENERAL WELFARE DEMAND A ZONING CHANGE AND AMENDMENT THEREIN MADE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE, AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH AN OFFENSE OCCURS OR CONTINUES; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

ITEM 16. PLANNING & ZONING COMMISSION RECOMMENDATION
CONDITIONAL USE APPLICATION CU03-24 9.5 POOL ROAD PARTNERS
L.P.

Chairman Oliver reported the Planning & Zoning Commission voted 5-0-2 for approval of Conditional Use Application CU03-24 filed by 9.5 Pool Road Partners L.P. granting a conditional use permit for a personal care facility and office/retail buildings on property located at 2300 Pool Road.

Council Member Wilbanks, seconded by Council Member Johnson, offered a motion to

accept the Commission's recommendation and approve the ordinance granting the conditional use permit. The motion prevailed by the following vote:

Ayes: Tate, Ware, Spencer, Wilbanks, Johnson & Freed
Nays: None
Absent: Stewart

ORDINANCE NO. 2003-46

AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT IN ACCORDANCE WITH SECTION 48 OF ORDINANCE NO. 82-73, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF GRAPEVINE, TEXAS, SAME BEING ALSO KNOWN AS APPENDIX "D" OF THE CITY CODE, BY GRANTING CONDITIONAL USE PERMIT CU03-24 TO ALLOW FOR A PERSONAL CARE FACILITY IN A DISTRICT ZONED "CC" COMMUNITY COMMERCIAL DISTRICT REGULATIONS ALL IN ACCORDANCE WITH A SITE PLAN APPROVED PURSUANT TO SECTION 47 OF ORDINANCE NO. 82-73 AND ALL OTHER CONDITIONS, RESTRICTIONS AND SAFEGUARDS IMPOSED HEREIN; CORRECTING THE OFFICIAL ZONING MAP; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; PROVIDING A CLAUSE RELATING TO SEVERABILITY; DETERMINING THAT THE PUBLIC INTERESTS, MORALS AND GENERAL WELFARE DEMAND THE ISSUANCE OF THIS CONDITIONAL USE PERMIT; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

ITEM 17. PLANNING & ZONING COMMISSION RECOMMENDATION
FINAL PLAT LOTS 1R-1, 1R-2 AND 2R, BLOCK 1, S.H. 26/POOL ROAD
ADDITION

Chairman Oliver reported the Planning & Zoning Commission voted 5-0-2 for approval of the Statement of Findings and the final plat of Lots 1R-1, 1R-2 and 2R, Block 1, S.H. 26/Pool Road Addition. The 20.221 acre property is located at 2300 Pool Road and is being platted for development of an assisted living facility.

Council Member Freed, seconded by Mayor Pro Tem Ware, offered a motion to accept the Commission's recommendation and approve the Statement of Findings and the final plat of Lots 1R-1, 1R-2 and 2R, Block 1, S.H. 26/Pool Road Addition. The motion prevailed by the following vote:

Ayes: Tate, Ware, Spencer, Wilbanks, Johnson & Freed
Nays: None
Absent: Stewart

ITEM 18. PLANNING & ZONING COMMISSION RECOMMENDATION
CONDITIONAL USE APPLICATION CU03-19 UNDERWATER WORLD
AQUARIUM

Chairman Oliver reported the Planning & Zoning Commission voted 7-0 for approval of Conditional Use Application CU03-19 filed by Underwater World Aquarium granting a conditional use permit to amend the site plan approved by Ordinance No. 2003-33 for the development of a tunnel based aquarium and restaurant with the possession, storage, retail sale and on-premise consumption of alcoholic beverages (beer, wine and mixed beverages). The subject property is located at 2200 West Grapevine Mills Circle.

Council Member Johnson, seconded by Mayor Pro Tem Ware, offered a motion to accept the Commission's recommendation and approve the ordinance granting the conditional use permit. The motion prevailed by the following vote:

Ayes: Tate, Ware, Spencer, Wilbanks, Johnson & Freed
Nays: None
Absent: Stewart

ORDINANCE NO. 2003-47

AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT IN ACCORDANCE WITH SECTION 48 OF ORDINANCE NO. 82-73, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF GRAPEVINE, TEXAS, SAME BEING ALSO KNOWN AS APPENDIX "D" OF THE CITY CODE, BY GRANTING CONDITIONAL USE PERMIT CU03-19 TO AMEND THE SITE PLAN APPROVED BY ORDINANCE NO. 2003-33 FOR A PLANNED COMMERCIAL CENTER IN EXCESS OF 1,000,000 SQUARE FEET OF GROSS LEASEABLE SPACE TO ALLOW DEVELOPMENT OF AN AQUARIUM AND RESTAURANT WITH THE POSSESSION, STORAGE, RETAIL SALE AND ON-PREMISE CONSUMPTION OF ALCOHOLIC BEVERAGES (BEER, WINE, AND MIXED BEVERAGES) IN THE OUTPARCEL AREA OF THE GRAPEVINE MILLS MALL IN A DISTRICT ZONED "CC" COMMUNITY COMMERCIAL DISTRICT REGULATIONS ALL IN ACCORDANCE WITH A SITE PLAN APPROVED PURSUANT TO SECTION 47 OF ORDINANCE NO. 82-73 AND ALL OTHER CONDITIONS, RESTRICTIONS AND SAFEGUARDS IMPOSED HEREIN; CORRECTING THE OFFICIAL ZONING MAP; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; PROVIDING A

CLAUSE RELATING TO SEVERABILITY; DETERMINING THAT THE PUBLIC INTERESTS, MORALS AND GENERAL WELFARE DEMAND THE ISSUANCE OF THIS CONDITIONAL USE PERMIT; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

ITEM 19. PLANNING & ZONING COMMISSION RECOMMENDATION
CONDITIONAL USE APPLICATION CU03-21 WALGREEN'S DRUG STORE

Chairman Oliver reported the Planning & Zoning Commission voted 7-0 for approval of Conditional Use Application CU03-21 filed by Walgreen's Drug Store requesting a conditional use permit to allow a drug store with drive through service and a monument sign with changeable copy on property located at 912 West Northwest Highway.

Council Member Freed, seconded by Mayor Pro Tem Ware, offered a motion to accept the Commission's recommendation and approve the ordinance granting the conditional use permit. The motion prevailed by the following vote:

Ayes: Ware, Spencer, Johnson & Freed
Nays: Wilbanks
Abstain: Tate
Absent: Stewart

ORDINANCE NO. 2003-48

AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT IN ACCORDANCE WITH SECTION 48 OF ORDINANCE NO. 82-73, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF GRAPEVINE, TEXAS, SAME BEING ALSO KNOWN AS APPENDIX "D" OF THE CITY CODE, BY GRANTING CONDITIONAL USE PERMIT CU03-21 FOR A DRUG STORE WITH A DRIVE-THROUGH WINDOW AND A MONUMENT SIGN IN A DISTRICT ZONED "HC" HIGHWAY COMMERCIAL DISTRICT REGULATIONS ALL IN ACCORDANCE WITH A SITE PLAN APPROVED PURSUANT TO SECTION 47 OF ORDINANCE NO. 82-73 AND ALL OTHER CONDITIONS, RESTRICTIONS AND SAFEGUARDS IMPOSED HEREIN; CORRECTING THE OFFICIAL ZONING MAP; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; PROVIDING A CLAUSE RELATING TO SEVERABILITY; DETERMINING THAT THE PUBLIC INTERESTS, MORALS AND GENERAL WELFARE DEMAND THE ISSUANCE OF THIS CONDITIONAL USE PERMIT;

PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

ITEM 20. PLANNING & ZONING COMMISSION RECOMMENDATION
CONDITIONAL USE APPLICATION CU03-22 TEXAS TOYOTA

Chairman Oliver reported the Planning & Zoning Commission voted 7-0 for approval of Conditional Use Application CU03-22 filed by Texas Toyota granting a conditional use permit to amend the site plan approved by Ordinance No. 98-152 for the addition of two modular buildings for temporary sales offices on property located at 801 East State Highway 114.

Mayor Pro Tem Ware, seconded by Council Member Wilbanks, offered a motion to accept the Commission's recommendation and approve the ordinance granting the conditional use permit. The motion prevailed by the following vote:

Ayes: Tate, Ware, Spencer, Wilbanks, Johnson & Freed

Nays: None

Absent: Stewart

ORDINANCE NO. 2003-49

AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT IN ACCORDANCE WITH SECTION 48 OF ORDINANCE NO. 82-73, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF GRAPEVINE, TEXAS, SAME BEING ALSO KNOWN AS APPENDIX "D" OF THE CITY CODE, BY GRANTING CONDITIONAL USE PERMIT CU03-22 TO AMEND THE SITE PLAN APPROVED BY ORDINANCE NO. 98-152 FOR A PLANNED COMMERCIAL CENTER WITH NEW AND USED AUTOMOTIVE SALES AND SERVICE TO ALLOW THE ADDITION OF TWO MODULAR BUILDINGS FOR TEMPORARY SALES OFFICES IN A DISTRICT ZONED "PCD" PLANNED COMMERCE DEVELOPMENT DISTRICT REGULATIONS ALL IN ACCORDANCE WITH A SITE PLAN APPROVED PURSUANT TO SECTION 47 OF ORDINANCE NO. 82-73 AND ALL OTHER CONDITIONS, RESTRICTIONS AND SAFEGUARDS IMPOSED HEREIN; CORRECTING THE OFFICIAL ZONING MAP; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; PROVIDING A CLAUSE RELATING TO SEVERABILITY; DETERMINING THAT THE PUBLIC INTERESTS, MORALS AND GENERAL WELFARE DEMAND THE ISSUANCE OF THIS

CONDITIONAL USE PERMIT; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

ITEM 21. PLANNING & ZONING COMMISSION RECOMMENDATION
AMEND APPENDIX D, COMPREHENSIVE ZONING ORDINANCE NO. 82-73, AS AMENDED, SECTION 40 "MXU" MIXED USE DISTRICT

Chairman Oliver reported the Planning & Zoning Commission voted 7-0 for approval of the proposed amendments to the Grapevine Code of Ordinances, Appendix D, Comprehensive Zoning Ordinance No. 82-73, as amended, by the addition of Section 40 "MXU" Mixed Use District.

Council Member Johnson, seconded by Council Member Freed, offered a motion to accept the Commission's recommendation and approve the ordinance establishing the new "MXU" Mixed Use District. The motion prevailed by the following vote:

Ayes: Tate, Ware, Spencer, Wilbanks, Johnson & Freed
Nays: None
Absent: Stewart

ORDINANCE NO. 2003-50

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS AMENDING ORDINANCE NO. 82-73, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF GRAPEVINE, TEXAS, SAME BEING ALSO KNOWN AS APPENDIX "D" OF THE CODE OF ORDINANCES OF THE CITY OF GRAPEVINE, TEXAS, BY THE CREATION OF SECTION 40, "MXU" MIXED USE DISTRICT REGULATIONS; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH AN OFFENSE OCCURS OR CONTINUES; PROVIDIN A SEVERABILITY CLAUSE; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

ITEM 22. PLANNING & ZONING COMMISSION RECOMMENDATION
FINAL PLAT LOTS 1 AND 2, BLOCK 1, FARRIS BRANCH ESTATES ADDITION

Chairman Oliver reported the Planning & Zoning Commission voted 7-0 for approval of the Statement of Findings and the final plat of Lots 1 and 2, Block 1, Farris Branch Estates

Addition being a replat of a 1.265 acre tract in the B.B. Johnson Survey Abstract No. 869. The subject property is located at the southeast corner of the intersection of Dove Road and Galway Street and is being platted for development of a single family residence

Council Member Johnson, seconded by Council Member Spencer, offered a motion to accept the Commission's recommendation and approve the Statement of Findings and the final plat of Lots 1 and 2, Block 1, Farris Branch Estates Addition. The motion prevailed by the following vote:

Ayes: Tate, Ware, Spencer, Wilbanks, Johnson & Freed

Nays: None

Absent: Stewart

ITEM 23. PLANNING & ZONING COMMISSION RECOMMENDATION
FINAL PLAT LOTS 1-11, BLOCK 1, THE MADISON ADDITION

Chairman Oliver reported the Planning & Zoning Commission voted 7-0 for approval of the Statement of Findings and the final plat of Lots 1-11, Block 1, The Madison Addition. The 2.921 acre property is located north of Burney Lane and east of Midway Road and is being platted for the development of a single-family residential subdivision.

Council Member Freed, seconded by Council Member Johnson, offered a motion to accept the Commission's recommendation and approve the Statement of Findings and the final plat of Lots 1-11, Block 1, The Madison Addition. The motion prevailed by the following vote:

Ayes: Tate, Ware, Spencer, Wilbanks, Johnson & Freed

Nays: None

Absent: Stewart

ITEM 24. REPORT, SISTER CITY MISSION TO KREMS, AUSTRIA

Convention & Visitors Bureau Director P. W. McCallum reported on the success of the Sister City Mission to Krems, Austria, June 17-26, 2003. The delegation consisted of 21 members from civic service clubs, local businesses, the Heritage Foundation, educators and local youth.

ADJOURNMENT

Council Member Wilbanks, seconded by Council Member Spencer, offered a motion to adjourn the meeting at 9:12 p.m. The motion prevailed by the following vote:

Ayes: Tate, Ware, Spencer, Wilbanks, Johnson & Freed

Nays: None

Absent: Stewart

07/15/2003

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE,
TEXAS on this the 19th day of August, 2003.

APPROVED:



William D. Tate
Mayor

ATTEST:



Jodi C. Brown
Assistant City Secretary